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Blacks and the Devolution Revolution

When President Clinton signed a sweeping welfare reform bill into law last August, the nation took a major step toward a realignment of power in its federal system. This "devolution revolution" involves a shift in budgetary and programmatic authority from the federal government to state and local governments through block grants for welfare, health care, job training, and other social services for the poor.

Public officials around the country have been pressed into service as generals in the devolution revolution, and most are trying to figure out how to navigate through mine fields created by these new initiatives. Most cringe at the thought of what will happen if poor people get kicked off welfare and into a hostile job market.

Dr. Mark Hughes, a scholar at Public/Private Ventures, recently predicted that welfare changes will turn cities such as Detroit, Philadelphia, and Chicago into "Welfare Dust Bowls" as the poor flee to seek job opportunities in other locations.

African Americans are especially apprehensive about the devolution of major social programs from the federal government to the states. There are several reasons for this apprehension. First, they have long relied on the federal government as liberator and guarantor of basic rights, and they are very skeptical of state governments. A recent Joint Center study disclosed that blacks are almost twice as likely as whites to believe that the federal government, not the states, should set basic program standards and guarantee assistance to the poor. Consequently, the shift of programs from federal to state hands is unsettling for historic reasons.

A second concern is that much of the political clout black Americans have achieved in the national public policy arena, especially in Washington, will be negated when social programs are devolved to the states where, up to now, blacks generally have had less influence. This, however, is not an inevitable result. Political influence can be amassed at the state level as well. The share of services and assistance that various groups will be able to obtain from a block grant system will depend on partisan politics within the state; the balance of power among urban, suburban, and rural interests; and the political influence that competing interest groups can exert on state officials. In many respects, being on the winning side of the devolution revolution will depend on political mobilization and influence at the state and local levels.

It is important to note that blacks and other minority groups are beginning to develop strategies not only for surviving in the devolution revolution, but for influencing its outcome. This spring the Joint Center will hold a conference to address several key issues on devolution and its impact on the poor: How will devolution affect the availability of services and benefits to the poor? To what extent are state and local governments prepared to exercise their new powers effectively and fairly? How might African American or other minority public officials and civic leaders influence local decision-making? What kinds of new information will these leaders need to be adequately "armed" to take part in the devolution revolution? Clearly, there is much at stake in this coming revolution, and we are all stakeholders. Let's make sure we are all winners. ■



PRESIDENT

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Future Clouded for Majority-Black Districts

Court Rulings, Shifts in Party Affiliation Will Complicate the Creation of Majority-Minority Congressional Districts After the 2000 Census

by Mary K. Garber

"A New Framework for Redistricting," a Joint Center sponsored conference held on January 9, highlighted the uncertainty surrounding the future of majority-minority congressional districts and minority political participation. During the next round of redistricting, set to follow the census in the year 2000, state legislatures will face the challenge of reconciling recent Supreme Court rulings with the provisions of the Voting Rights Act as they draw new district lines. In its 1993 *Shaw* v. *Reno* decision and in subsequent decisions (each by a 5-to-4 margin), the High Court has ruled that race cannot be the "primary" factor when these boundaries are drawn.

Civil rights advocates view these decisions as an attempt by the court's conservative majority to roll back protections of the Voting Rights Act. The original 1965 Act not only ensured the right to vote to disenfranchised African Americans in the South, but also provided mechanisms to protect blacks from election procedures crafted to dilute their voting strength. In 1982, Congress amended the Act to make a finding of discriminatory *results*, rather than just discriminatory intent, sufficient proof of violation.

In 1986, the Court's *Thornburg* v. *Gingles* decision established a three-part test for claims of voter dilution under Section 2 of the Act: (1) the minority population must be sufficiently large and geographically compact to constitute the majority in a single-member district; (2) the minority group must be politically cohesive; and (3) the white majority must have voted against the minority as a bloc, making election of a minority candidate unlikely. These preconditions were the basis for the creation of majority-minority districts following the 1990 census.

The 1992 elections were the first held in the newly drawn majority-minority districts in several southern states. Black candidates won election in 13 newly created congressional districts that year, but lawsuits were filed contesting their validity, some of which went all the way to the U.S. Supreme Court. In a number of federal court decisions, including *Shaw* v. *Reno*, *Miller* v. *Johnson*, and *Bush* v. *Vera*, new districts in North Carolina, Georgia, and Texas were ruled unconstitutional on the grounds that their highly unusual shapes suggested that race had been the primary factor in their construction.

Redistricting's Murky Future

Leading off the all-day Joint Center conference were Congressman Martin Frost (D–Tex.) and Benjamin Ginsberg, former counsel to the Republican National Committee. In 1991, when congressional district lines were being redrawn, Ginsberg had argued that the interests of the GOP lay in the formation of as many majority-minority districts as possible. He contended that the "removal" (by shifting boundaries) of blacks from surrounding districts in the South made those districts less Democratic, more Republican. Admitting that "the future of redistricting is murky," Frost nevertheless emphasized that the Democratic party is committed to preserving the new minority districts.

The luncheon speaker, Congresswoman Eddie Bernice Johnson (D–Tex.), spoke from personal experience. Johnson had once served as chair of the Texas state senate committee overseeing her state's redistricting process. In 1992, she was elected to Congress in one of the majority-minority districts formed the year before. At the conference, Johnson urged her minority colleagues on Capitol Hill to look out for their own political futures rather than being moved by arguments that they should put the Democratic party first.

Attorneys, scholars, political analysts, and voting rights experts from across the nation delivered papers at the event assessing the future of majority-minority districts and the likely impact of court decisions on minority representation. David Bositis, a senior research associate at the Joint Center and a nationally respected expert on redistricting issues, identified racial bloc voting, shifts in party affiliation, the accuracy of the next census, and the composition of federal courts as major factors to watch.

The presenters agreed that racial bloc voting persists and that it diminishes the opportunities of black candidates. Bositis stated that analysis of the 1996 election returns for black candidates who won in districts that were redrawn from majority-black to majority-white—Sanford Bishop and Cynthia McKinney in Georgia and Corrine Brown in Florida—showed that although these candidates received virtually all of the black vote within their districts, they still were only able to garner the support of a minority of white voters, between 30 and 40 percent. Even this small percentage shrinks on further inspection. Sizable numbers of white voters in these districts declined to vote in the House race, choosing to cast ballots only in the presidential and senatorial races.

J. Gerald Hebert, an attorney specializing in election law and particularly the Voting Rights Act, noted along with Bositis and others that the effects of incumbency, rather than any reduction in white racial bloc voting, were proven to be responsible for the reelection of the three black Congresspersons. Rather than proving that majority-

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Ms. Garber is an editor at the Joint Center.

Districts

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minority districts are unnecessary, Hebert said, their reelection proves the opposite. The creation of these districts makes possible the election of minorities who can then use the advantages of incumbency to counter the effects of racial bloc voting. As further evidence, Hebert pointed out that in 1990, before the majority-black districts were created, not a single majority-white district in the Deep South elected a black representative.

Keith Reeves, expert witness in the *Hays* v. *Louisiana III* redistricting case and professor of public policy at Harvard's Kennedy School of Government, said that racial bloc voting stems from deeply rooted racial stereotypes. Reeves bases this conclusion on empirical studies of whites' attitudes toward blacks and black candidates.

In one study, white participants were shown two versions of a news story that depicted a "hotly contested, racially polarized" election campaign. Half the participants received a version that described the two candidates as white; the other half received an identical story except that one of the candidates was black. The participants were then asked how they would cast their ballots. White respondents were much more reluctant to vote for a candidate, regardless of identical credentials, experience and other characteristics, when he was described as black. Another study, which asked participants to rank whites and blacks according to a number of characteristics such as intelligence, ability to speak good English, and self-sufficiency, found that whites consistently ranked blacks as inferior to whites in all of the categories.

Reeves concludes not only that black candidates' chances of victory are not improving but that the future of minority representation may be bleak unless race can remain an acceptable consideration in drawing district lines. Indeed, Reeves quoted Supreme Court Justice David Souter's statement that "it is in theory and in fact impossible to apply traditional districting principles in areas with substantial minority populations without considering race."

Party Switching

As David Bositis pointed out, over the last two decades, whites in the South have switched from the Democratic party to the Republican party, a trend that continues to have a major impact on black voter participation. Once solidly Democratic, the South now has more Republican members (71) in the U.S. House of Representatives than Democrats (54). This same partisan shift is seen in southern state legislatures, all of which were controlled by Democrats in 1992. In just four years, six legislative chambers have come under Republican control, and at least another six could cross over with the change of just a few seats. Many black Democratic state legislators are for the first time serving in a minority party, with diminished influence. This partisan shift has been most dramatic in the states of the Deep South, where the black populations are proportionally the largest.

According to Bositis's projections, the shift may dramatically alter the political environment in 2001, when the next round of district reapportionment will take place. If current trends continue, more southern legislatures and governors' mansions may come under GOP control, giving Republicans greater influence over the redistricting process. Exactly what this portends for black political participation is unclear, since some southern Republicans may adopt Ginsberg's view that creating minority-majority districts will siphon off Democratic voters from other districts, making them in effect more Republican. In any case, since black Democrats will likely be serving in minority parties in a number of southern state legislatures, they may also find their roles in drawing new districts diminished.

Another vital factor in the redistricting struggle will be the composition and philosophy of the federal judiciary. President Clinton will fill more than 200 federal district and appeals court vacancies between now and the end of his term. If he has an opportunity to replace one of the five conservative justices on the U.S. Supreme Court, the balance on the court could shift to a majority more sympathetic to the civil and political rights of minorities.

The expansion of minority participation in electoral politics may also be affected by shifting demographics. Hebert cited the tremendous growth of the Latino population, which doubled between 1970 and 1990. Attempts to serve the interests of more than one minority group in a community have often pitted one group against the other. Hebert cited examples of redistricting cases where the contours of majority black districts had to be changed to allow the creation of relatively compact Latino districts. The creation of majority-minority districts for both groups, while mandated by Section 2 of the Voting Rights Act, has been difficult to accomplish without resorting to unusual boundary shapes that later led to the districts' invalidation by the courts. However, taken together, Latinos and African Americans will constitute a significant portion of the electorate by the year 2000, a fact that could greatly increase their political clout. According to Bositis, the amount of influence they wield, especially in states like California, Texas, Florida, and New York, will depend on their degree of political participation and cooperation.

Proportional Representation?

As a way out of the dilemma created by conflicting Supreme Court decisions and the mandates of the Voting Rights Act, U.S. Representative Cynthia McKinney is proposing a bill, The Voters' Choice Act, that would promote proportional representation through multi-seat districts. Under McKinney's bill, instead of the current system of winner-take-all single-member districts, states could combine present districts into larger multi-seat districts, each of which would elect several representatives through proportional voting.

One method of proportional voting would be a cumulative voting plan where each voter would have as many votes as there are contested seats and would be allowed to distribute those votes however he or she pleases—even giving all of the votes to one candidate. Another system,

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The Job Market and the 21st Century

Blacks Continue to Face Employment Challenges as Service Industries Grow and Manufacturing Declines

Wilhelmina A. Leigh

Continuing corporate and government downsizing, increasing international competition, rapid technological change, and the new welfare reform law all combine to make the labor market of the future an uncertain place, especially for the black worker. Disparities in employment and unemployment rates have distinguished the races and sexes throughout the post-World War II era. However, since 1980 these disparities have been compounded by changes in the U.S. economy that have altered the employment options for all workers—black and white, male and female.

Goods-producing industries no longer power the economy. Instead, service-producing industries fill that role. Furthermore, a global economic system has emerged in which corporations can substitute lower-cost foreign labor for more expensive domestic labor. These trends have caused an increase in job loss, from which black workers have suffered the most.

Labor Force: Size and Composition

By the beginning of the 21st century, both the U.S. population and labor force are expected to grow, while their makeup by race and gender change. The civilian (noninstitutionalized) adult population is expected to increase between 1994 and 2005 by 11 percent, an annual rate of 1 percent. Using the same growth assumptions, the civilian labor force is projected to grow by 12 percent in the same period, also a rate of 1 percent per year. While the projected growth in the black share of the labor force is greater than that projected for the white share (15 percent versus 11 percent), it is much smaller than the growth projected for other minorities. (See Table 1)

The racial makeup of the labor force has changed dramatically since 1982. By 2005, whites will still dominate the labor force, comprising 84 percent of its members, while blacks will have grown slightly from 10 to 11 percent, and Asians will have reached 5 percent of the labor force. The fastest growth will be among Hispanics (who can be of any race), who will make up 11 percent of the labor force, nearly doubling their 1982 share, and Asians, whose share will more than double over the same period.

Racial disparities in employment are reflected in the differences in labor force participation rates between white and black men. In 1994, 76 percent of all white men held jobs, compared to 69 percent of all black men. By the year 2005, the participation rate for white men is projected to fall by two percentage points to 74 percent; for black men this rate is projected to fall by three points to 66 percent, broadening the gap.

Currently, about the same proportion of black women as white women participate in the labor force—59 percent. But this parity is projected to change by 2005. While the rate for black women is expected to remain unchanged, the rate for white women is projected to rise to 63 percent. In relative terms, then, black women will begin falling behind.

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Dr. Leigh is a senior research associate at the Joint Center.

TABLE 1

Civilian Labor Force 16 Years and Older by Race, 1994, and Moderate Growth Projection to 2005

(Numbers in thousands)

Race	1994		2005		1994–2005 Change		Annual Growth Rate
	number	*(percent)*	*number*	*(percent)*	*number*	*(percent)*	*percent*
Total	131,056	(100.0%)	147,106	(100.0%)	16,050	(12.2%)	1.1%
White	111,082	(84.8)	122,867	(83.5)	11,785	(10.6)	0.9
Black	14,502	(11.1)	16,619	(11.3)	2,116	(14.6)	1.2
Asian and other	5,474	(4.2)	7,632	(5.2)	2,158	(39.4)	3.1
Hispanic *	11,975	(9.1)	16,330	(11.1)	4,355	(36.4)	2.9

SOURCE: *Monthly Labor Review*, 118, no. 11:45–59.

* Hispanics can be of any race and, thus, are included not only under this category but also in the appropriate racial categories.

Jobs

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Projected Job Growth

The increasingly global nature of the U.S. economy and the aging of the population both will affect job growth over the next decade. As the 21st century approaches, these factors are likely to produce patterns of job growth in which the employment "gap" between the races grows wider. Currently, unemployment rates for blacks in all age categories are at least twice those of their white counterparts. Even the improvement in educational attainment among blacks does not mitigate this problem, since differences in earnings and employment rates have been shown to be present at all educational levels. Further, differences in earnings, as well as field tests of hiring practices, both suggest that discrimination against blacks is continuing.

While minority groups will comprise a larger share of the labor force by the year 2005, many of the jobs they have traditionally held—operators, fabricators, and laborers—may no longer be available, since slower growth is predicted in these occupations than in most others. On the other hand, professional specialty occupations, in which both black men and women are underrepresented, are expected to grow rapidly. Further, 22 percent of all jobs available in 2005 will require a bachelor's degree or better, even though most jobs will require only short-term, on-the-job training.

One area of hope for black workers is the service sector. Jobs in service occupations, which employ large percentages of blacks, are projected to increase substantially. In those industry sectors expected to grow most rapidly—health care, for example—service jobs may offer black workers the widest avenue of opportunity. Of the 10 occupations projected to grow fastest between 1994 and 2005, several are in health care, including personal and home care aides, home health aides, and physical and corrective therapy assistants and aides. (See Table 2.)

TABLE 2

Fastest Growing Occupations, 1994–2005, Assuming Moderate Growth

Occupations	1994	2005 (projected)	Percent change
Personal and home care aides	179,000	391,000	119%
Home health aides	420,000	848,000	102
Systems analysts	483,000	928,000	92
Computer engineers	195,000	372,000	90
Physical and corrective therapy assistants and aides	78,000	142,000	83
Electronic pagination systems workers	18,000	33,000	83
Occupational therapy assistants and aides	16,000	29,000	82
Physical therapists	102,000	183,000	80
Residential counselors	165,000	290,000	76
Human services workers	168,000	293,000	75

SOURCE: *Monthly Labor Review*, 118, no. 11 : 60–84.

Matching the Labor Force to Jobs

Our decisions about bridging the chronic racial employment gap depend on our priorities and goals. Can we live with the traditional economist's definition of "full employment" as a 5 percent unemployment rate? If so, then we might decide that federal government intervention to create jobs for those who are underemployed, unemployed, or considered unemployable is not necessary or desirable. However, it is worth noting that a 5 percent national unemployment rate can mask unemployment rates for young black men as high as 40 or 50 percent in many urban areas.

Alternatively, we might decide that the associated social costs of such high unemployment rates—idle minds and hands resulting in antisocial behavior such as drug trafficking and crime—are unacceptable. If so, we as a nation must expend the necessary energy, effort, and funds to create a labor market that addresses the racial inequalities and joblessness that still await our attention. ■

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Putting a Price on Clean Air

Some Manufacturers Are Contesting Stricter Air Quality Standards Proposed by EPA to Reduce the Incidence of Respiratory Diseases

by Bailus Walker

Health professionals and environmentalists charge that the 34 percent increase in the number of reported cases of asthma in the United States between 1983 and 1994 was brought on, in large part, by air pollution. What is more, inner-city black children, who are hospitalized for asthma at twice the national rate, are among the most vulnerable to the disease. Despite advances in our understanding of asthma, it has become the number one health problem in many urban elementary schools in predominantly black neighborhoods. The spread of asthma has become so serious that local health departments across the nation have assigned full-time health care professionals to schools that, in the past, may have only had once-a-week visits from a nurse.

Last November, as a response to what it sees as a growing health threat, the Environmental Protection Agency (EPA) proposed strict new air pollution standards to reduce ozone, a primary component of smog, and fine soot particles known as particulates, which are mainly emitted by diesel engines, factories, and power plants. EPA contends that the current air quality standards are not strict enough to protect the health of asthmatic children, outdoor workers, and the frail elderly. The agency also asserts that the proposed standards will reduce pollution-related diseases and prevent an estimated 15,000 premature deaths a year. The new standards are to take effect in June, and the EPA estimates the cost of implementing them to be about $14 billion annually. The proposed new standards stem from the Clean Air Act Amendments of 1990 which required that the agency review National Ambient Air Quality Standards (NAAQS) every five years to determine if changes are necessary to protect public health.

Disputing the EPA's claims of health benefit, some of the nation's business leaders and organizations, like the National Association of Manufacturers, oppose the more stringent air quality standards, declaring that the costs of implementing them outweigh their benefits. Opponents of the standards on Capitol Hill are threatening to block their implementation on the basis that they would impose too heavy an economic burden on industry. Such congressional opposition would revive the debate over costs and benefits of federal regulations that divided the 104th Congress. Nevertheless, any congressional attempt to weaken the new EPA air quality standards is likely to be countered by a strong reaction from health advocates and environmental groups like the American Lung Association, the American Public Health Association, and the Natural Resources Defense Council.

Determining the impact of air pollution on health is a complicated and technical undertaking, involving the sciences of epidemiology, toxicology, and clinical medicine, to name only three. Placing a dollar value on the health benefits of clean air is even more difficult. Estimates of the dollar value of the benefits of these new regulations vary widely. But certainly, the reduced exposure of high-risk groups—children, asthmatics, and persons with cardiovascular disease and impaired lung function—to ambient air pollution means a significant reduction in the number of hospitalizations, clinic visits, and days lost from school and work.

It is clear that exposure to high levels of ozone damages lung tissue and reduces lung function. Scientific studies show that outdoor levels of ozone not only affect people with impaired respiratory systems, such as asthmatics, but healthy adults and children as well. Exposure to relatively low concentrations of ozone for six to seven hours during moderate exercise has been found to reduce lung function significantly and induce respiratory inflammation in healthy individuals. Fifty-one million people live in communities where the air quality does not meet the current ozone standards, and urban blacks make up a high proportion of this population.

For persons exposed to particle pollution, the major health concerns include cancer, heart disease, damage to lung tissue, and breathing problems. Those most sensitive to the effects of airborne particulate matter include individuals with heart disease and asthma, as well as the elderly and children.

The current debate over the costs and benefits of stricter standards for airborne soot and smog is occurring within the context of a budget-conscious federal government that has passed on many of its financial burdens to state and local governments. The cost of complying with federal environmental laws must compete for scarce state and local resources with spending for education, law enforcement, and road construction.

Cost-benefit analysis and risk-ranking—crude tools at best—should not be the sole considerations in public health decision making. Social concerns and fundamental fairness also are at issue. We must ask ourselves if some citizens should bear an increased risk of disease, disability, and even death so that others can reap greater economic benefits. ■

Dr. Walker is the director the Joint Center's health policy program.

Districts

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preference voting, requires voters to rank candidates in order of preference. McKinney claims that such proportional voting systems would protect and expand voting rights by meeting the constitutional standard that each voter should have equal voting power. She also asserts that, under her bill, any group of voters making up at least 50 percent of the electorate would be able to elect at least half of the representatives in a multi-seat district.

Opponents of proportional representation contend that the various proportional voting systems are too complicated for voters to understand and charge that they eliminate the guarantee of representation by geographic location.

Supporters of proportional representation counter that the process allows both the majority and the minority in districts to obtain some representation of their interests in Congress. They point out as well that most democracies throughout the world use some form of proportional voting in order to provide fair representation of all groups. Advocates of this change believe that multi-member districts could lead to higher voter participation, since all voters would have a stake in the outcome. Relevant to the current redistricting dilemma is the prospect that these larger districts may solve the problems that residential segregation currently poses for drawing compact, smaller single-member districts.

Among the legislation's supporters are the Center for Voting and Democracy, which helped draft the bill; Paul Jacobs, executive director of U.S. Term Limits; and University of Pennsylvania Law Professor Lani Guinier, Clinton's initial choice to head the civil rights division of the Justice Department.

Supporters say multi-member districts could provide an answer to the dilemma of meeting both the requirements of the 1965 Voting Rights Act and the mandates of recent court decisions. Congresswoman McKinney says that "Proportional systems ensure that few lose completely in an election—that almost all voters come away winners with someone in the legislature speaking up for their interests and their political values." Whether her approach will prove a politically viable solution is another question. ■

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TRENDLETTER

POLITICAL REPORT

by Marland E. Buckner, Jr.

Another Shot in the Redistricting Wars

The latest target in the redistricting wars is Democratic Representative **ROBERT C. (BOBBY) SCOTT**, of Virginia's 3rd congressional district. Scott, the first black Virginian in Congress this century, was elected in 1992, a year after the 3rd district was created with a 62 percent black majority. A lawsuit charging that the district was racially gerrymandered was brought by **DON A. MOON**, a GOP official in the 3rd district, and **ROBERT SMITH**, a black Norfolk businessman and former congressional candidate, and was underwritten by the Campaign for a Color Blind America, based in Houston. On February 7, a three-judge federal district court panel ruled in favor of the plaintiffs and declared Scott's district unconstitutional.

The district currently stretches southward and eastward from Richmond toward the Atlantic coast. It includes the predominantly black portions of most of the major cities of Tidewater Virginia, including parts of Newport News, Scott's home, along with portions of Portsmouth, Hampton, Norfolk, and Suffolk. These urban areas contain more than 25 percent of the district's population and nearly all of its black population.

In drafting the court's opinion, Judge **ROBERT R. MERHIGE, JR.**, argued that "it is difficult to conclude that voters whose congressional district encompasses parts of 8 cities, 17 localities, 6 counties, and over 200 road miles of territory harbor a common interest." He further argued that race had been the overwhelming factor in creating the "distended" and "bizarre" district. Scott was not surprised by the verdict, but continues to argue that "race was not the predominant factor in drawing the district." In Scott's view, the district lines could be redrawn "with minor revisions" so as not to require changes to the boundaries of at least four of the state's 11 Congressional districts.

In an interesting twist, the state's conservative Republican attorney general and gubernatorial candidate, **JAMES S. GILMORE III**, announced that Virginia would appeal the ruling to the U.S. Supreme Court against Scott's wishes as well as those of the Republicans in Virginia's Congressional delegation. Gilmore has rarely been connected with issues of concern to blacks, making this recent and uncharacteristic overture toward the NAACP and American Civil Liberties Union appear all the more politically motivated. Scott hopes to avoid an appeal, considering the high court's recent decisions against majority-minority districts in Georgia, Louisiana, Texas, and North Carolina. In addition, an appeal has little chance of success since the district court ruling was unanimous.

Given the apparent futility of the appeal and the failure of the district court to provide guidance on how the 3rd congressional district should be redrawn, the matter will most likely be resolved by the Joint Privileges and Elections Committee of the General Assembly, which will have to accommodate the provisions of the Voting Rights Act, while contending with complex and often conflicting political forces in the Old Dominion.

Youth Crime: Prevention & Punishment

Although the overall crime rate has declined recently, statistics show that juvenile criminal activity is rising. But members of Congress are at odds with one another over the best legislative approach to addressing youth crime.

In the Senate, Judiciary Committee chair **ORRIN HATCH** (R–Utah) and 28 Republican cosponsors introduced S.3, the Omnibus Crime Control Act of 1997, a sweeping bill that would increase penalties for terrorist activities, the use of firearms in the commission of a crime, the importation of illegal drugs, and domestic violence.

Responding to concerns about juvenile crime, the Hatch bill would crack down on gangs through the "Federal Gang Violence Act." Certain provisions of the act appear to some to be unduly harsh on young offend-

ers. For example, if a juvenile is found to have participated in a crime "in connection with the activities of a criminal street gang" twice within a five-year period, beginning five years *before* the passage of the act, he or she will be considered a gang member and subject to a stiffer sentence as a repeat gang offender. In addition, the Hatch bill seeks to lower the minimum death penalty age from 18 to 16, an action that would have devastating consequences for black men whose occupancy of the nation's death rows is already disproportionately high.

By contrast, House Democrat **CHARLES SCHUMER** of New York has introduced legislation that addresses prevention as well as punishment. H.R. 278, the "Balanced Juvenile Justice and Crime Prevention Act of 1997," is designed to support youth development programs that prevent crime at the same time as it toughens penalties applied to dangerous juveniles.

To combat gun violence among youth, H.R. 278 would establish juvenile gun courts with short dockets and limited continuances so that sentences could be meted out more swiftly than under current law. H.R. 278 would also provide $35 million over two years to fund juvenile justice grants. These grants would unite school officials, community organizations, and prosecutors with juvenile crime experience in an effort to foster a holistic approach to youth rehabilitation and crime prevention.

In addition, the Schumer bill also contains provisions to deter juvenile crime. Although opponents of federally funded youth development programs have used midnight basketball leagues as an example to denigrate community crime prevention approaches, the Schumer bill recognizes that community prevention efforts encompass much more than recreational activities. H.R. 278 would authorize appropriations to expand community-based juvenile justice programs, improve substance abuse treatment, and fund extracurricular youth programs.

The bill would provide $125 million over the next two years to establish juvenile drug courts. These courts would supervise nonviolent juvenile drug offenders through a combination of periodic mandatory drug tests, supervised probation, and substance abuse treatment programs. In addition, the legislation would provide the Department of Health and Human Services with $175 million over the next two years to fund community-based extracurricular and academic programs that would link school activities with those of community organizations, such as Boys and Girls Clubs, during weekends and holidays.

Both bills have been referred to their respective judiciary committees and await further action.

Black Legislators Respond to Welfare Reform

Across the nation, state legislators are braced to grapple with dramatic new challenges as welfare reform, "The Personal Responsibility and Work Opportunity Act of 1996," takes effect. The new legislation transfers federal funds to state governments in the form of block grants (Temporary Aid to Needy Families, or TANF), giving state legislatures near autonomy over the distribution of aid to poor citizens. Although the consequences are not yet known, many fear that conditions for America's impoverished will deteriorate even further.

This issue is of particular concern to the National Black Caucus of State Legislators (NBCSL). Devolution of welfare programs to the states will give NBCSL members greater responsibility for the design and implementation of welfare policies. Recognizing this massive change in national policy toward the poor, the twenty-year-old organization pledged in its annual report to work in concert with "progressive, community-based organizations… to pass progressive and protective legislation" pertaining to welfare reform. NBCSL also insists that regardless of its new state-based form, the safety net for the poor must be maintained as welfare recipients move into the workforce.

The new laws require that 25 percent of a state's welfare recipients participate in some form of training program this year. However, few NBCSL members are optimistic about the job opportunities for those making the transition to work. Many NBCSL members represent citizens who live in areas with little or no job opportunities and whose level of education has not prepared them for the transition to federally mandated training programs.

The NBCSL has pledged to support mitigating legislation to counter the potentially draconian provisions of the welfare act and to overturn nearly all the federal legislation's provisions prohibiting services to resident aliens, including cash aid, food stamps, and Medicaid.

The NBCSL intends to monitor the changing welfare situation closely. In addition to supporting legal education efforts to help TANF recipients understand their responsibilities and rights, each NBCSL state delegation is responsible for submitting a written report to the organization's Welfare Reform Task Force that tracks the impact of welfare reform in the more than 40 states represented by NBCSL members. These reports will be compiled by the task force in advance of the NBCSL's 1997 annual meeting, December 10-13 in Milwaukee, where the body will consider further action. ■

ECONOMIC REPORT

by Margaret Simms and Malinda Lindquist

Urban Blacks and Clinton's Budget

In his State of the Union Address in February, President Clinton focused on three initiatives of special concern to African Americans: the education and training of youth, urban development, and job creation. These initiatives, as reflected in Clinton's proposed budget for fiscal year (FY) 1998, may be especially beneficial to urban black Americans concentrated in central cities, a population that suffers from elevated high school dropout rates and joblessness, and relies heavily on public assistance.

Overall, Clinton's budget echoes the themes outlined in the address. While discretionary spending for defense would decrease, allocations for the Departments of Education, Labor, and Housing and Urban Development would increase.

Education and Training for Youth

The heart of Clinton's new elementary and secondary education proposal is the School Construction Initiative, which the administration asserts would increase both school renovation and new school construction 25 percent by the year 2002. The goals of this program are threefold: to assist in the repair of structurally unsound and environmentally unsafe schools, to ensure that more schools have the infrastructure necessary to incorporate computer technology fully, and to encourage the construction of new school buildings.

TABLE 1

Education Initiatives

Program and Sponsoring Agency	Appropriations for FY 1998 (In Millions)	Percent Increase from FY 1997
School Construction (ED)	$5,000	New program
Targeted Grants (ED)	$350	No funding in 1997
Even Start (ED)	$108	6%
Head Start (HHS)	$4,300	8%
Youthbuild (HUD)	$30	None
School-to-Work (ED and DOL)	$400	None
Opportunities for Out-of-School Youth (DOL)	$250	New program

Source: Appendix, *Budget of the United States Government, Fiscal Year 1998.*
DOL = Department of Labor; ED = Department of Education; HHS = Department of Health and Human Services; HUD = Department of Housing and Urban Development

This initiative is especially needed in central cities where 38 percent of all schools require intensive renovations and over two-thirds report substandard environmental conditions such as poor indoor air quality, according to the General Accounting Office. Clinton's one-time appropriation would provide a sliding-scale interest subsidy of up to 50 percent for schools demonstrating financial need and proving that these funds would be used for improvements not previously planned.

The School Construction Initiative would primarily be a state grant program. However, to ensure that cities are not marginalized, 100 of the largest and poorest school districts would be able to apply directly for funding. Clinton argues that this proposal would save cities up to 29 percent of the cost of construction.

Three established education programs for low-income children are slated for budget increases in FY 1998. Among these would be an expansion of Title I Targeted Grants in counties with high child poverty; the successful Head Start program for preschool children; and Even Start, a family-focused education program.

On the training side, the FY 1998 budget would allocate $250 million for a new program, Opportunity Areas for Out-of-School Youth. This program's main focus is to increase the employment rates of high school drop-outs, ages 16 to 24, to at least 80 percent through job training and job placement in the private sector. Funds for this program would be distributed among 15 to 20 new and existing Empowerment Zones and Enterprise Communities (EZ/ECs) and serve approximately 50,000 young people in communities where 75 percent of the youth are jobless. Another program, Youthbuild, would educate and train economically disadvantaged youth and high school dropouts in building trades, while employing them in the construction of affordable housing for low-income households and the homeless.

While these proposals are laudable, they may be overshadowed by the initiatives targeted at middle- and upper-income households. For example, while expansion of Pell Grants would give low-income students an extra $300 per year for college, households earning nearly $100,000 per year could receive a tax

deduction of up to $10,000 for college expenses.

The sum of the administration's urban youth proposals would come to approximately $10.4 billion in FY 1998, compared to $4 billion dollars for its postsecondary initiatives. However, since the school construction initiative is proposed as a one-time appropriation, future funding for new and expanded urban programs is expected to decline, totaling only $5.4 billion in FY 1999. Meanwhile, the cost of Clinton's higher education proposals, which would mostly benefit middle and upper income families, is expected to rise each year, reaching over $6 billion in FY 1999 and $9 billion in 2,002 according to budget analysis by Citizens for Tax Justice, a Washington-based public interest research organization.

Urban Development and Job Creation

The President's State of the Union Address also highlighted the redevelopment of urban communities and job creation through a plan of physical, economic, and environmental revitalization. At the center of that plan is the expansion of EZs and ECs and the Brownfields Redevelopment Program.

The first 104 EZ/ECs were established in 1994 to create business and job opportunities in low-income communities. Two-thirds of them are located in urban areas. Under the Clinton budget, $100 million would be appropriated for the creation of 20 new EZs and 80 new ECs in poor inner-city and rural neighborhoods. These new areas would receive three-year grants to promote private investment, through such means as job training programs and infrastructure improvements. Businesses located in EZ/ECs would receive a variety of tax incentives including a wage credit for each local EZ/EC resident they employ.

TABLE 2

Urban Development and Job Creation

Program and Sponsoring Agency	Appropriation for FY 1998 (In Millions)	Percent Increase from FY 1997
Empowerment Zones and Enterprise Communities (HUD)	$100	Second round
Brownfields (HUD)	$25	New program
Economic Development Initiative (HUD)	$50	No funding in 1997
Bridges-to-Work (HUD)	$10	New program
Section 8 Housing Expansions (HUD)	$305	New program
Welfare-to-Work (DOL)	$750	New program
Child Care and Development Block Grant (HHS)	$1,000	5%
Access to Jobs and Training (DOT)	$100	New program

Source: Appendix, *Budget of the United States Government, Fiscal Year 1998.*
DOL = Department of Labor; DOT = Department of Transportation; ED = Department of Education; HHS = Department of Health and Human Services; HUD = Department of Housing and Urban Development

However the entire FY98 budget for the creation of 20 EZs and 80 ECs is the same as the amount allotted for each of the previously established urban EZs.

Another initiative that would aid distressed communities is the Brownfields Redevelopment Program, which would provide $100 million dollars over four years for the clean-up of environmentally degraded urban areas. Priority would be given to low-income communities, preferably EZ/ECs.

Economic development through urban revitalization is only part of Clinton's urban strategy. He also proposes an increase in funding for low-income Adult Training Grants (up 19 percent from FY 1997), several job creation and placement initiatives, and more revenue to cover the cost of child care and transportation for eligible low-income individuals. Fifty million dollars would be allocated to the Economic Development Initiative to boost the employment of former welfare recipients through job creation projects.

Bridges-to-Work, an initiative primarily directed toward EZ/ECs, would assist low-income urban residents in finding employment. Section 8 rent subsidies also would be expanded to help 50,000 low-income people move to locations where employment opportunities are better.

In addition, the administration hopes to move one million hard-to-employ welfare recipients into the labor force in three years through the $3 billion Welfare-to-Work Challenge. The Child Care and Development Block Grant and the Access to Jobs and Training Program would help to ensure that former welfare recipients and the working poor can afford both child care services and transportation to work or a training center.

The total cost of President Clinton's education and training, urban development, and job creation initiatives comes to approximately 1 percent of his FY1998 budget, enough to assist urban communities if properly targeted. However, given the current strong bipartisan support for a balanced budget, these initiatives are likely to face tough scrutiny in Congress. ■

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